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NO. 4067 P. 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Board of Patent Appeals and Interferences

Appellant:
Beka SOLOMON
Application No. 09/441,140
Filing Date: November 16, 1999
Appeal No: 2011-009879

Confirmation No: 3910
Attorney Docket No: SOLOMON1REI

REQUEST FOR POSTPONEMENT OF ORAL HEARING

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. BOX 1450
Alexandria, Virginia 22313-1450

Sir:

On August 2, 2011, a Notice of Hearing was issued in this case, stating that an Oral Hearing was scheduled for September 13, 2011, and requesting confirmation of the hearing within 21 days. The present communication is intended as a reply to the notice of hearing and a request for postponement thereof. Appellant hereby requests a postponement of the hearing for approximately one to two months to allow the consolidated hearings of two closely related appeals.

The present application is an application for reissue of U.S. Patent 5,688,651. A divisional reissue application, application no. 11/358,951, which is a divisional of the application presently on appeal, has also been filed in

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which an appeal brief was filed on June 30, 2011. In the appeal brief filed in that case, the section on related appeals and interferences pointed out that the application involved in that application was a divisional of the application involved in the present appeal. It advised that the present appeal had been docketed and that the issues in the present appeal and in the appeal of the divisional application are closely related; consolidated consideration was requested. It had been thought that the appeal of the divisional application would have been before the Board before the Board scheduled an oral hearing in the present application so that the Board could consider applicant's request for consolidated consideration of the two appeals.

The USPTO PAIR system shows that an examiner's answer was mailed in application 11/358,951, on August 22, 2011. If this is the case, then a reply brief and a request for oral hearing will be due September 22, 2011. The applicant of the divisional application fully intends to file a reply brief and a request for oral hearing prior to the deadline. It is believed that the appeal in that case will be docketed by the Board shortly thereafter.

As many of the issues in the present appeal and in the appeal of the divisional application are closely related, appellant believes that it would be of benefit to all

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concerned if the appeals were consolidated for consideration, with either a combined oral hearing or a least oral hearings scheduled before the same panel on the same date.

Accordingly, it is respectfully requested that the hearing presently scheduled for this case be postponed and reset some time shortly after the appeal in the divisional application 11/358,951 becomes docketed at the Board of Patent Appeals and Interferences, so that the Board can consolidate the oral hearings in both of the related reissue applications.

If this request is denied for any reason, the undersigned wishes to confirm that he will attend the hearing presently scheduled for September 13, 2011, in the present appeal.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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